

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON O. ANDERSON,

Plaintiff,

v.

CITY OF EVERETT,

Defendant.

No.

COMPLAINT FOR DAMAGES

JURY DEMAND

Plaintiff, Jason O. Anderson, alleges as follows:

I. JURISDICTION AND VENUE

1.1. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, as amended (“Title VII”), to enforce the nation’s laws forbidding employment discrimination on the basis of race and retaliation.

1.2. All conditions precedent to filing suit have been met.

1.3. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1343.

1.4. Venue is proper in the United States District Court for the Western District of Washington pursuant to 28 U.S.C. § 1391(b) because Defendant City of Everett (the “City”) and its agent, the Everett Fire Department (“EFD”), are located in this judicial district and

1 because all or a substantial portion of the acts or omissions giving rise to this action took place
2 within this district.

3 II. PARTIES

4 2.1. Plaintiff Jason Anderson is an African-American man residing in Kittitas
5 County, Washington.

6 2.2. Defendant City of Everett is a municipal corporation located in Snohomish
7 County, Washington.

8 III. FACTS

9 3.1. Defendant City of Everett operates the Everett Fire Department, which carries
10 out emergency fire and public safety services in and around the City of Everett. The City
11 employs more than 1,000 people, including about 180 people within EFD.

12 3.2. EFD hired Mr. Anderson in 2003. At the time he was hired, he was only the
13 fourth or fifth African-American firefighter ever hired by EFD.

14 3.3. Soon after he began working, his supervisors and co-workers began making
15 comments about his race and color, including his then-Captain saying that he was the “whitest
16 black guy he’d ever seen.”

17 3.4. Despite knowledge that Mr. Anderson is African-American, co-workers and
18 supervisors began referring to Mr. Anderson as “Juan” and later “taco boy” because of his
19 light-brown complexion.

20 3.5. “Taco Boy” stickers and signs began appearing at his workstation, and an EFD
21 supervisor assigned him the team name “*La Migra*” in EFD’s fantasy football league, which is
22 Spanish slang for U.S. Immigration and Customs Enforcement.

1 3.6. At an EFD event, an outgoing supervisor made a comment to Mr. Anderson
2 about “dumb niggers.”

3 3.7. While responding to a fire emergency, a supervisor warned Mr. Anderson and
4 another African-American EFD firefighter not to “throw up gang signs” while on the firetruck.

5 3.8. Sometime in 2019 or 2020, a sticker of a gorilla appeared on Mr. Anderson’s
6 locker at the firehouse. The depiction of a gorilla dressed as a firefighter promoted one of the
7 oldest racists tropes against African-Americans, comparing Blacks to apes and monkeys.

8 3.9. This conduct related to Mr. Anderson’s race and color is ongoing. It is also
9 unwelcome.

10 3.10. In 2019, Mr. Anderson reported the harassing conduct to his Battalion Chief,
11 and was told, “we’ve all heard offensive comments” and “you need to suck it up.”

12 3.11. Mr. Anderson later reported the harassing conduct to EFD’s Assistant Fire
13 Chief and Fire Chief. He also reported the harassing conduct to the City’s Human Resources
14 department and the Mayor. They took no corrective measures and the harassment continued.

15 3.12. Soon after Mr. Anderson’s report to the City, an EFD Captain sent a
16 department-wide email telling firefighters to “resist adding outrage culture into the amazing
17 work environment that we have,” and urging personnel to “solve your issues at the lowest
18 possible level.”

19 3.13. Since then, Mr. Anderson has received the silent treatment from some at work,
20 and he has been unfairly scrutinized and downgraded in his performance.

21 3.14. As a direct result of the City’s unlawful actions, Mr. Anderson has suffered and
22 continues to suffer economic and non-economic damages.

IV. LEGAL CLAIMS

D. FIRST CAUSE OF ACTION: DISCRIMINATION IN VIOLATION OF TITLE VII.

4.1 Plaintiff realleges the above statement of facts as though fully stated here.

4.2 Defendant subjected Plaintiff to intentional discriminatory treatment, including a hostile-work environment, on the basis of race and color in connection with the terms and conditions of his employment in violation of Title VII.

4.3 As a direct and proximate result of the foregoing, Plaintiff has suffered and continues to suffer loss of compensation and benefits, emotional distress, anxiety, humiliation, and embarrassment, each in amounts to be proven at trial.

E. SECOND CAUSE OF ACTION: RETALIATION IN VIOLATION OF TITLE VII.

4.4 Plaintiff realleges the above statement of facts as though fully stated here.

4.5 Defendant retaliated against Plaintiff for reporting his concerns about discriminatory treatment and harassment in violation of Title VII.

4.6 As a direct and proximate result of the foregoing, Plaintiff has suffered and continues to suffer loss of compensation and benefits, emotional distress, anxiety, humiliation, and embarrassment, each in amounts to be proven at trial.

V. PRAYER FOR RELIEF

Plaintiff prays for judgment and relief against Defendant as follows:

5.1. Damages for lost compensation and benefits in an amount to be proven at trial;

5.2. Damages for emotional distress, anxiety, humiliation, and embarrassment in amounts to be proven at trial;

- DATED this 13th day of January, 2021.


JAMAL N. WHITEHEAD WSRA #39818

Attorney for Plaintiff